
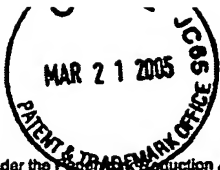


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|---|--------------------------------------|-----------------------------------|--|
| Serial Number  | Application No. 10/697,811 | Applicant(s) GEH et al. | |
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| TERMINAL DISCLAIMER | | <input checked="" type="checkbox"/> APPROVED | | <input type="checkbox"/> DISAPPROVED | |
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| The term of this patent shall not extend beyond the expiration date of U.S. Patent No: | 6,678,240 | | | | |
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| The term of this patent subsequent to the adjacent date has been disclaimed. | | | | | |
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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
OST 021121CO001

In re Application of: Geh, et al

Application No.: 10/697,811

Filed: October 30, 2003

For: METHOD FOR OPTIMIZING THE IMAGE PROPERTIES OF AT LEAST TWO OPTICAL ELEMENTS AS WELL AS METHODS FOR
OPTIMIZING THE IMAGE PROPERTIES OF AT LEAST THREE OPTICAL ELEMENTS

The owner, Carl Zeiss SMT AG, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,678,240 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

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- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 51,890

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Signature

March 16, 2005

Date

Jacob D. Koering
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Telephone Number

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